IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3513 OF 2005

Navneet Dagadu Ahire. . .. Petitioner.

vs.

Smt. Nisha Nawneet Ahire

& Ors. .. Respondents.

Mr. Sanjay N. Gawade for petitioner.

Mr. Uday Warunjikar for respondent.

CORAM : S.U. KAMDAR, J.

DATE : 1st December, 2005.

P.C.:

. The impugned order passed by the trial Court is conferring the maintenance of Rs. 5000/- to the wife and Rs. 2000/- each to the two children. The aforesaid maintenance order is passed after considering the income of the petitioner which is salary of Rs. 25,000/- per month. The learned counsel for the petitioner has contended that though it is true that the salary of the petitioner is Rs. 25,000/- per month but the take home amount is only Rs. 5500/-. In support of the same he has relied upon the pay slip of one particular month. On

perusal of the pay slip it is clear that the contention is without merit. The deduction of Rs. 7000/- is shown as the income tax deduction. By no stretch of imagination that on the salary of Rs. 25,000/- per month there can be deduction of Rs. 7000/- towards income tax. Apart therefrom other deductions which are shown are basically the deductions available by the petitioner of various standard deductions and in that light of the matter, there is no substance in the contention of the petitioner that the take home salary is Rs. 5500/- only. The aforesaid objections are rejected.

2. Efforts were also made to mediate the matter. However, the mediator has filed his report dated 30.11.2005 saying that the mediation has failed. In that light of the matter, the petition is heard on merits and I find no merits whatsoever in the present petition. Petition dismissed. No order as to costs. All arrears of maintenance to be paid by the petitioner within a period of four weeks from today.